

**OFFICIAL****FAX RECEIVED**

SEP 18 2002

**GROUP 1600****Box AF****Response under 37 CFR 1.116****Expedited Procedure****Examining Group 1651**

Attorney Docket. No.: P63712US0

**IN THE UNITED STATES PATENT AND TRADEMARK OFFICE**

In re the Application of:

**Via Facsimile**

Philippe SAUER et al.

**Fax No. 703-872-9307**

Serial No.: 09/341,119

Group Art Unit: 1651

Filed: November 18, 1999

Examiner: F. Prats

Title: **RAPID AND SIMPLE PROCESS FOR ISOLATION OF CIRCULAR NUCLEIC ACIDS****TRANSMITTAL****Box AF**

Commissioner of Patents

Washington, D.C. 20231

Sir:

Transmitted herewith by facsimile is Amendment in the above-captioned application.

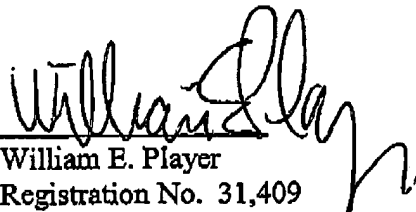
Small Entity status of this application under 37 CFR 1.9 and 1.27 has been established by a verified statement previously submitted.

**XX** If a Petition for Extension of Time is necessary and the Petition and/or the check is not enclosed, this will act as the Petition and applicant herewith petitions the Commissioner to extend the time for response and charge any fees necessary under 37 CFR 1.17 (a)-(d) to Deposit Account No. 06-1358. The Commissioner is also authorized to charge payment of any other additional fees associated with this communication or credit any overpayment to Deposit Account No. 06-1358.

JACOBSON HOLMAN, PLLC  
400 Seventh Street, N. W.  
Washington, D.C. 20004-2201  
Atty. Docket No.: P63712US0  
Dtd: September 17, 2002  
WEP:rdt

R:\HOME\erthomas\2002\September\P63712nm.wpd

By:

  
William E. Player  
Registration No. 31,409

Box AF  
Response under 37 CFR 1.116  
Expedited Procedure  
Examining Group 1651

Attorney Docket. No.: P63712US0

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re the Application of:

Via Facsimile

Philippe SAUER et al.

Fax No. 703-872-9307

Serial No.: 09/341,119

Group Art Unit: 1651

Filed: November 18, 1999

Examiner: F. Prats

Title: RAPID AND SIMPLE PROCESS FOR ISOLATION OF CIRCULAR NUCLEIC ACIDS

AMENDMENT UNDER 37 CFR 1.116

Box AF  
Commissioner of Patents  
Washington, D.C. 20231

Sir:

The instant paper, submitted by facsimile following notice of appeal, responds to the Office

Action mailed January 28, 2002.

IN THE CLAIMS

Please cancel claims 14-37, without prejudice or disclaimer, and add the following claims.

38. A method for separating and/or isolating circular nucleic acids from a bacterial crude lysate mixture wherein the mixture is treated under alkaline conditions at a pH > 8 with a solid matrix consisting essentially of a silica material in the presence of at least one chaotropic substance.

18/D  
Mg.J  
9/19/02  
(NE)

NOTED  
SEP 25 2002

D1